

**Minutes  
Bar Harbor Planning Board  
February 6, 2008**

*Members present: Mike Gurtler; Kevin Cochary; Lynne Williams; Dave Bowden*

*Also present: Anne Krieg, Town Planner; Kris Hultgren, Staff Planner*

**I. CALL TO ORDER — 5:32 p.m.**

**II. EXCUSED ABSENCES**

Ms. Stevens-Rosa was excused.

**III. ADOPTION OF THE AGENDA**

The agenda was adopted by unanimous consent.

**IV. APPROVAL OF MINUTES**

*Mr. Cochary made a motion to approve the October 17, 2007, November 7, 2007 and December 5, 2007 meeting minutes. Mr. Gurtler seconded and the Board voted unanimously on the motion.*

**V. REGULAR BUSINESS**

**A. Completeness Review – SD-07-10 – Eventyr Woods**

**Project Location:** Eagle Lake Road, Bar Harbor Tax Map 107 Lot 1

**Applicant:** Robert Juliano

**Application:** Proposes a 46 lot residential subdivision

Jeff Allen, representing the applicant, updated the Board on the project. He talked about getting updated information on the water system to Public Works, the site walk on February 1 and working with Acadia National Park to incorporate their concerns.

Mr. Gurtler asked about covenants and Mr. Allen said the applicant's attorney is redrafting the covenants using feedback from the neighborhood meeting and the updates will be submitted to the record when they are complete.

Mr. Allen told the Board that he anticipates receiving the DEP Site Location permit soon.

Ms. Krieg reviewed the peer review process. She explained that Public Works Director Chip Reeves is coordinating the water and sewer parts of the application and the Planning Department will handle the stormwater component. Ms. Krieg recommended to the Board that it schedule a public hearing once the peer reviews are complete and town departments have signed off on the project.

Gary Friedmann, an abutter to the project, asked about the process of granting waivers. Mr. Gurtler responded by reviewing the waiver process and adding that the Board may request information previously waived at any time during the review.

***Mr. Bowden made a motion to find the application complete pending the peer review and town department sign-offs. Mr. Cochary seconded and the Board voted unanimously on the motion.***

**B. Public Hearing – SD-07-05 – Sand Point Road Subdivision**

**Project Location:** 192 Sand Point Road, Bar Harbor Tax Map 204, Lot 62 and a portion of Tax Map 208, Lot 45

**Applicant:** Brian D. Shaw

**Application:** Proposes a 7 lot residential subdivision

Mr. Bowden recused himself because of an association with neighboring property owners.

Mr. Gurtler explained the public hearing process and introduced Todd Coffin. Mr. Coffin is a geologist who worked on the peer review of the hydrogeological and stormwater plans submitted by the applicant. Mr. Gurtler asked Mr. Coffin to review his report.

Mr. Coffin explained that he concurred with the applicant's pumping tests' results showing adequate groundwater for the project. Test wells showed a rate of 3 to 5 gallons per minute. This rate is adequate and meets the ordinance but Mr. Coffin recommended to the applicant that a storage tank be installed to guard against water shortages during peak usage. Mr. Coffin said he believes the applicant is required to obtain a state stormwater permit because more than an acre of impervious service is being created. He also talked about an error in the town's formula for calculating allowable housing density based on septic and groundwater data. Using the corrected formula Mr. Coffin calculated an allowable housing density on this property of .5 dwelling units per acre or one dwelling unit per 2 acres. Mr. Coffin also talked about nitrate loading in the groundwater and agreed with the applicant's data that nitrates would not exceed the standard of 5 mg/l.

Greg Johnston, representing the applicant, talked about the peer review report and addressed Mr. Coffin's points. This included saying the applicant will obtain the state stormwater permit, discussing reviewing soils with the state and county, drainage pipe size, submitting a blasting plan and the nitrate impacts on the site. Mr. Johnston referred to stormwater maps showing abutting properties at the bottom of a sub-watershed and said only 0.7 acres of the applicants land is within the 36 acre sub-watershed. Mr. Johnston concluded by saying the applicant is still working on its response to the peer review report.

Mr. Johnston talked about the soils on the proposed site. He asked the Board to consider abutting properties and surrounding areas because the soils are consistent throughout the neighborhood.

Noel Musson, representing the applicant, reiterated Mr. Johnston's points and added that the area already experiences runoff problems.

Mr. Gurtler opened the hearing to public comment.

Cliff Goodall, an attorney representing several abutting neighbors, asked Mr. Coffin about his report. He specifically asked about Mr. Coffin's analysis and whether he used the overall lot boundaries or the proposed subdivided lot boundaries. Mr. Coffin replied that he used the overall parcel boundary. Mr. Goodall also asked Mr. Coffin about nitrate concentration levels and the appropriate distance between a well and a septic.

Mr. Goodall asked Mr. Johnston about existing stormwater runoff. Mr. Goodall was particularly concerned about the final destination of stormwater runoff from the proposed property. Mr. Johnston explained the applicant's plans for stormwater mitigation.

James Kittler, an abutting property owner, talked about accepting the peer review report regarding stormwater drainage and overall design plans but was concerned about the allowable housing density section. He asked the Board to look at that closely because it could change the scope of the project. Mr. Gurtler responded by going over the process of the applicant working with Ransom to address their concerns.

John Kannegieser, an abutting property owner, described the existing stormwater conditions in the area and specifically on his property. He described the situation as very poor with significant water runoff onto his property.

Marilyn Kittler, an abutting property owner, described the stormwater issues on her land. She also described the situation as very poor and shared a story about stormwater runoff damaging her driveway. She believes the cutting of trees on the proposed project site will increase the stormwater problems.

Dave Updike, an abutting landowner representing the Sand Point Road Neighborhood Association, made a number of points including condition and placement of existing culverts, road conditions, stormwater, leech field runoff, the fire pond and blasting.

Ms. Krieg asked the applicant if it planned to connect to the seasonal water line on Sand Point Road. Mr. Johnston said, yes, this is likely.

Mr. Cochary asked about the timeframe of receiving a response from the applicant to the peer review report. The Board discussed with the applicant.

***Mr. Cochary made a motion to continue the public hearing to March 19. Ms. Williams seconded and the Board voted unanimously on the motion.***

### **C. Completeness Review – SP-07-04 – MDI Hospital Parking Lot**

**Project Location:** Corner of School Street and Edgewood Street, Bar Harbor Tax Map 107, Lots 115, 116, 117, and 118

**Applicant:** Mount Desert Island Hospital

**Application:** Proposes to construct a 22 space parking area

Greg Johnston, representing the applicant, reviewed the changes to the project that included alterations to the site plan. Mr. Johnston specifically discussed the applicant's intent to use the existing lighting on the site and sidewalk improvements around the lot.

Mr. Bowden inquired about the traffic study and the impact of the increased traffic in an area that is so close to where kids recreate. He discussed the challenges of a parking lot in that area and asked the applicant if there are ways to protect the children. Mr. Johnston expressed an interest in taking another look at ways to mitigate the traffic impacts in the area.

Ms. Williams inquired about employee crossings on Main Street especially during the summer months when it is more difficult for employees to cross the street.

Loreen Donnelly, a resident of Bar Harbor, asked the applicant about a shut-off timer for the lighting and the applicant was amenable to this request.

***Mr. Cochary made a motion to find the application complete. Mr. Bowden seconded and the Board voted unanimously on the motion.***

A public hearing is scheduled for March 5.

**D. Sketch Plan Review – SD-08-01 – Foxfields Farm**

**Project Location:** 47 Foxfields Farm Road, Bar Harbor Tax Map 226, Lot 9

**Applicant:** Linda Hirsh

**Application:** Subdivide 34 acres into 6 residential lots with common open space

Sam Coplon, representing the applicant, gave an overview of the project. His description included the surrounding properties including a saltwater farm, the common open space in the back of the land, the intention to provide workforce housing on lot 1 and possible covenants. Mr. Coplon said the abutting land owners are all year-round residents.

Ralph Calderon, an abutting land owner, maintains Cove View Road. Mr. Cochary inquired about an agreement in writing to maintain the road but Mr. Calderon said there is not one.

Mr. Cochary commented on the quality of the project and asked about an Acadia Park easement next to the lot and whether a buffer will be created between the new lot and the land with the easement on it.

Mr. Cochary asked about the wetlands on lot 1. Mr. Coplon assured the Board that there is enough upland for an appropriate lot and building envelope.

Mr. Cochary asked about access to lots 1 and 2 and Mr. Coplon indicated that the plan is to create the access ways off of Indian Point Road.

Mr. Calderon commented on the water runoff on the land. He says it is very serious and described Cove View Road being washed out during a storm last year.

Mr. Calderon asked if the road could remain a gravel road and Mr. Coplon said that is the hope and the reason the applicant submitted a modification of standard to keep the road as is with the exception of drainage improvements.

Mr. Gurtler asked the applicant and Mr. Calderon to clarify who owns the utility poles on Cove View Road.

***Ms. Williams made a motion to accept the waivers as requested. Mr. Bowden seconded and the Board voted unanimously on the motion.***

**E. Completeness Review – SP-07-02 – Ellsworth Building Supply**

**Project Location:** 1513 State Highway 102, Bar Harbor Tax Map 219 Lot 30

**Applicant:** Ellsworth Building Supply

**Application:** Proposes to construct a new storage facility and make other improvements including changes to outdoor storage areas and vehicular circulation

Mr. Gurtler recused himself because he owns abutting property.

Greg Johnston, representing the applicant, gave an overview of the project. He commented on the stormwater mitigation efforts, the lighting plan, the new layout of the site with the new building and changes to parking and vehicular circulation. Mr. Johnston told the Board the applicant is in the process of applying for a state Site Location Permit that was triggered by the amount of impervious service being created by the site.

Mr. Cochary asked where the under drain pipes discharge the stormwater runoff. Mr. Johnston explained the discharge went to a wooded area to filtrate.

Ms. Williams asked how long before the applicant received its DEP permit. Mr. Johnston responded with an estimate of 2 months.

The Board and the applicant discussed the timing of the DEP permit and when in the process they should have it. Ms. Krieg explained that the town will not issue a building permit without having the DEP permit in hand and any approval the Board may make would be conditional upon receiving the state permit.

***Ms. Williams made a motion to accept the waivers as requested. Mr. Bowden seconded and the Board voted unanimously on the motion.***

Loreen Donnelly, a citizen of Bar Harbor, asked about the lighting plan and whether the applicant planned to shield the lights and use a timer. Mr. Johnston responded

that shields will be used on the lighting, other lighting will be reduced and timers will be used to shut off the lights at 10pm.

Ms. Krieg asked the applicant to send a letter to MaineDOT informing them of the project and the likelihood of increased traffic. She also asked that the applicant submit information about its new sign to make sure it complies with the ordinance.

*Ms. Williams made a motion to find the application complete pending receipt of a letter from the applicant to MaineDOT and submitting information about the new sign. Mr. Bowden seconded and the Board voted unanimously on the motion.*

The Planning Board directed staff to schedule a site visit.

A public hearing is scheduled for March 5.

## **VI. OTHER BUSINESS**

## **VII. PLANNING DIRECTOR'S REPORT**

Ms. Krieg updated the Board on the changes to the Wireless Communications Ordinance made by the Town Council on January 29.

## **VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

Mr. Cochary asked if the allowable housing density formula that is incorrect in the ordinance is going to be fixed. Ms. Krieg commented that the Order with the new language correcting the change was signed by the Town Council and it is scheduled for Town Meeting in June.

## **IX. ADJOURNMENT - 8:40 PM**

*Mr. Bowden made a motion to adjourn. Ms. Williams seconded and the Board voted unanimously on the motion.*

*Signed as approved:*

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Kay Stevens-Rosa, Chair  
Planning Board, Town of Bar Harbor

Date